

June 14, 2013

**By Electronic Delivery**

Honorable Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426

**Re: New York Independent System Operator, Inc., Technical Amendment to June 12, 2013 Response to Request for Additional Information Concerning Proposed Tariff Revisions to Establish and Recognize a New Capacity Zone, Request for Shortened Notice Period and Request for Expedited Action, Docket No. ER13-1380-000**

Dear Ms. Bose:

On June 12, 2013, the New York Independent System Operator, Inc. (“NYISO”) submitted a filing in response to the Commission’s June 6, 2013 letter (“June 6 Letter”) in this proceeding (“June 12 Filing”). In accordance with the Commission’s electronic tariff filing requirements, the June 6 Letter directed the NYISO to include at least one eTariff record in its response, even if no tariff changes were otherwise required. Accordingly, the June 12 Filing included a revised version of Section 2.18 of its Market Administration and Control Area Services Tariff (“Services Tariff”).<sup>1</sup> The NYISO had proposed the same revisions redlined on Attachment III to the June 12 Filing in its April 30, 2013 submission of *Proposed Tariff Revisions to Establish and Recognize a New Capacity Zone and Request for Action on Pending Compliance Filing* in this proceeding (“April 30 Filing”).

In the April 30 Filing, the NYISO requested that most of the tariff revisions proposed become effective on July 1, 2013 but requested later effective dates for certain specific revisions. In particular, the NYISO had requested a January 27, 2014 effective date for the revisions to Section 2.18. The April 30 Filing was clear that the NYISO was seeking Commission action on all of the April 30 Filing’s proposed revisions by July 1, 2013 and that it did “not intend that its request for effective dates later than June 29, 2013 be deemed to be a waiver of the requirement under 18 C.F.R. §35.3 that the Commission act on its proposed tariff revisions within sixty days of the date of this filing.”<sup>2</sup>

It has come to the NYISO’s attention that the Commission may interpret the inclusion of Section 2.18 in the June 12 Filing as waiving 18 C.F.R §35.3’s sixty day notice requirement; *i.e.*, as extending the “deadline” for Commission action from August 11, 2013 (sixty days from the date of the June 12 Filing) until January 27, 2014. This was not the NYISO’s intention.

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<sup>1</sup> See June 12 Filing at Section III, and Attachments II and III.

<sup>2</sup> April 30 Filing at n. 95.

Accordingly, the NYISO is submitting a technical amendment to the June 12 Filing. It includes a single eTariff record, as an .rtf file, namely, the same version of Section 1.12 of the Open Access Transmission Tariff (“OATT”) that was included in the April 30 Filing. Section 1.12 has a requested effective date of July 1, 2013. Because there are no changes in the revisions to Section 1.12, or the effective date, from the tariff change proposal in the April 30 Filing, the NYISO is transmitting the changes only in .rtf format, and is not including clean or redlined PDF copies of the changes (as the PDF files were already provided with the April 30 Filing.) The NYISO is not proposing any other changes to either the April 30 Filing or the June 12 Filing.

It is the NYISO’s understanding and intention that submitting this technical amendment will “restore” the sixty day “deadline” under 18 C.F.R. §35.3. Specifically, the NYISO understands that the electronic tariff software will now set a deadline for Commission action on the April 30 Filing<sup>3</sup> tied to the requested effective date of Section 1.12 of the OATT, not to the requested effective date of Section 2.18 of the Services Tariff. Thus, the Commission would be required to act on the April 30 Filing no later than August 13, 2013 (rather than January 27, 2014).

This filing should not be construed as modifying the NYISO’s request, in both the April 30 Filing and the June 12 Filing, that the Commission issue an order accepting the April 30 Filing (as amended) by July 1, 2013. Similarly, it is not intended to modify the June 12 Filing’s request for a shortened comment period and expedited action. Because the technical amendment is solely concerned with a technical electronic tariff issue and does not impact the substantive or procedural elements of the April 30 Filing or June 12 Filing in any way the NYISO respectfully requests that the Commission establish a deadline for comments and protests that is no more than a few days after the June 19, 2013 deadline for comments and protests that it set in its recent notice of the June 12 Filing.<sup>4</sup>

It continues to be critically important that the Commission act on the April 30 Filing (as amended) by July 1, or as soon as possible thereafter and in no event later than its July 18, 2013 open meeting. If the Commission does not act by then, the NYISO’s ability to implement a New Capacity Zone, and the ICAP Demand Curves, for the Summer 2014 Capability Period, which begins on May 1, 2014, would be seriously jeopardized.

This filing will be posted on the NYISO’s website at [www.nyiso.com](http://www.nyiso.com). In addition, the NYISO will e-mail an electronic link to this filing to the official representative of each party to this proceeding, to each of its customers, to each participant on its stakeholder committees, to the New York Public Service Commission, and to the New Jersey Board of Public Utilities.

In conclusion, the NYISO respectfully requests that the Commission: (i) accept this technical amendment in order to “restore” the sixty day notice period under 18 C.F.R. §35.3 and thus require the Commission to act on the April 30 Filing by August 13, 2013 (*i.e.*, within sixty

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<sup>3</sup> For ease of reference, when this filing refers to NYISO’s request for Commission action “on the April 30 Filing,” it should be understood to refer to the April 30 Filing as formally amended by the June 12 Filing and by this filing.

<sup>4</sup> See *Combined Notice of Filings #1*, June 13, 2013.

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days of the date of this filing); and (ii) set a shortened deadline for comments and protests that is no more than a few days later than the June 19, 2013 deadline recently set in response to the June 12 Filing. The NYISO also respectfully renews its request that the Commission expeditiously issue an order accepting the April 30 Filing by July 1 2013, or as soon as possible thereafter and in no event later than July 18, 2013.

Respectfully submitted,

/s/ Gloria Kavanah

Gloria Kavanah

Senior Attorney

New York Independent System Operator, Inc.

Dated: June 14, 2013

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## **CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding in accordance with the requirements of Rule 2010 of the Rules of Practice and Procedure, 18 C.F.R. §385.2010.

Dated at Rensselaer, NY this 14<sup>th</sup> day of June, 2013.

/s/ Joy A. Zimmerlin

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